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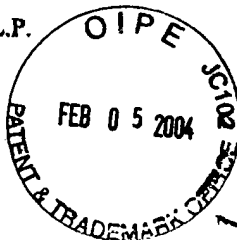
UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,741	04/04/2001	Mary D. Havlicek	016499-806	9733

7590

01/21/2004

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EXAMINER

LANGEL, WAYNE A

ART UNIT

PAPER NUMBER

1754

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action:

URGENT

URGENT

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
 RECEIVED

JAN 27 2004
 1-22-04

DOCKETED

016499-806

EJG

Notice of Appeal Due
 2/2/04


**UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED: _____

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION
☒ **THE PERIOD FOR RESPONSE:**

- ☐ is extended to run _____ from the date of the Final Rejection
- ☒ continues to run 3 months from the date of the Final Rejection
- ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date that the shortened statutory period for response expires as set forth above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 12-4-03 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- ☒ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 - ☒ They raise new issues that would require further consideration and/or search. (See Note).
 - ☐ They raise the issue of new matter. (See Note).
 - ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See page 2.

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing of an appeal, the proposed amendment ☐ will not be entered and the status of the claims in this application would be as follows:

Allowed claims: _____
Claims objected to: _____
Claims rejected: 1-25

However,

- ☐ The rejection of claims _____ on reference is deemed to be overcome by applicant's response.
 - ☐ The rejection of claims _____ on non-reference grounds only is deemed to be overcome by applicant's response.
4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection.
5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.
- ☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.
- ☐ Other

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The recitation in claim 1 of providing ultra-high purity carbon dioxide gas and passing such carbon dioxide gas through the anion exchange resin bed in combination with the limitations of eliminating ionic impurities from the anion exchange resin and converting the anion exchange resin into the bicarbonate form would require further consideration and possibly searching the prior art, especially when viewed in combination with the limitations recited in dependent claims 2-10 and 12-14. The newly recited limitations in claim 15 would also require further consideration and possibly search of the prior art to determine whether the resin per se recited in claim 15 would be novel and unobvious over the prior art when preconditioned by the specific steps recited in claim 15.

The proposed amendment would also raise the issue of indefiniteness under 35 U.S.C. § 112 paragraph 2, since claim 12 would depend from claim 11, which would be cancelled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A. Langel whose telephone number is (571) 272-1353. The examiner can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can

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be reached on (703) 308-3837. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-0994.

WAL:cdc

January 14, 2004

Wayne A. Langel
WAYNE A. LANGEL
PRIMARY EXAMINER